



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 24, 1995

Ms. Laura S. Portwood
Senior Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR95-192

Dear Ms. Portwood:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31389.

The City of Houston (the "city") received an open records request for all records the city maintains regarding complaints filed against the requestor for allegedly violating certain deed restrictions in a residential area. You state that the city will make available to the requestor most of the requested information. However, you seek to withhold pursuant to the informer's privilege, as incorporated into section 552.101 of the Government Code, information tending to identify the individual or individuals who reported the violation.

The "informer's privilege" aspect of section 552.101 protects the identity of persons who report violations of a civil or criminal statute. *See* Open Records Decision Nos. 391 (1983), 191 (1978). Although the privilege ordinarily applies to the efforts of law enforcement agencies, it can apply to administrative officials with a duty of enforcing particular laws. Attorney General Opinion MW-575 (1982); Open Records Decision Nos. 285 (1981), 279 (1981); *see also* Open Records Decision No. 208 (1978).

You explain that the allegations, if true, may reflect a possible criminal violation of a city ordinance making it a misdemeanor to store automobiles in an unauthorized manner. Given this information, we conclude that the city may properly raise the

informer's privilege with regard to those portions of the requested records that reveal or tend to reveal the identity of the complainant(s). After reviewing the records at issue, we agree that the information you have marked as coming under the informer's privilege may be withheld from the public pursuant to section 552.101.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/RWP/rho

Ref.: ID# 31389

Enclosures: Submitted documents

cc: Mr. Charles C. Brown
7469 Brace Street
Houston, Texas 77061
(w/o enclosures)